

**Matthew Borden**, admitted *pro hac vice*  
borden@braunhagey.com

**J. Noah Hagey**, admitted *pro hac vice*  
hagey@braunhagey.com

**Athul K. Acharya**, OSB No. 152436  
acharya@braunhagey.com

**Gunnar K. Martz**, admitted *pro hac vice*  
martz@braunhagey.com

BRAUNHAGEY & BORDEN LLP

351 California Street, Tenth Floor

San Francisco, CA 94104

Telephone: (415) 599-0210

**Kelly K. Simon**, OSB No. 154213

ksimon@aclu-or.org

AMERICAN CIVIL LIBERTIES UNION FOUNDATION OF OREGON

P.O. Box 40585

Portland, OR 97240

Telephone: (503) 227-6928

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

**INDEX NEWSPAPERS LLC**, a Washington limited-liability company, dba **PORTLAND MERCURY; DOUG BROWN; BRIAN CONLEY; SAM GEHRKE; MATHIEU LEWIS-ROLLAND; KAT MAHONEY; SERGIO OLmos; JOHN RUOFF; ALEX MILAN TRACY; TUCK WOODSTOCK; JUSTIN YAU**; and those similarly situated,

Plaintiffs,

v.

**CITY OF PORTLAND**, a municipal corporation; **JOHN DOES 1-60**, officers of Portland Police Bureau and other agencies working in concert; **U.S. DEPARTMENT OF HOMELAND SECURITY**; and **U.S. MARSHALS SERVICE**,

Defendants.

Case No. 3:20-cv-1035-SI

**SUPPLEMENTAL DECLARATION OF JOHN RUOFF IN SUPPORT OF PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION AGAINST DEFENDANTS U.S. DEPARTMENT OF HOMELAND SECURITY AND U.S. MARSHALS SERVICE**

I, John Rudoff, declare:

1. I am an Oregon resident who lives in the City of Portland. I am a photojournalist.

My work has been published nationally and internationally, including my extensive reporting from many areas of urban civil conflict. Since this lawsuit began, I have been published in *Rolling Stone*, *The Nation*, and on the front page of the July 18, 2020 national edition of the *New York Times*. I have attended the protests in Portland over the last two months for the purpose of documenting and reporting on them. If called as a witness, I could, and would, testify competently to the facts below.

2. On July 20, I submitted a declaration to the Court in support of Plaintiff's motion for a temporary restraining order because federal officers targeted and shot me in my right shoulder, inches from my head, with what I believe was a 40mm rubber bullet. Despite my injury, I returned to document the protests in my capacity as a journalist and newsgatherer last night (July 21 into July 22).

3. Early in the morning on July 22, 2020, I was documenting the protests in downtown Portland. I was wearing my helmet and vest that say "PRESS" in large block letters. I was wearing my 4x6" laminated press credential issued by the National Press Photographers' Association, which clearly states that I am press. Additionally, I was wearing light-colored clothing and heavy boots.

4. At approximately 12:40 a.m., I was standing on the east sidewalk of SW 4<sup>th</sup> Avenue, just north of the intersection of SW 4<sup>th</sup> and SW Salmon, where I was photographing a police skirmish line, who were arranged facing north in that intersection. They were all federal officers. I was photographing their line, facing north, and the protestors who were arrayed facing south.

5. The following is a true and correct copy of a photo I took documenting this incident:



© 2020 John Rudoff

6. Minutes later, I suddenly felt a tremendous strike and extreme pain in the lower medial aspect of my left tibia, directly above the line of my boot. I stopped photographing at once and hobbled north on SW 4<sup>th</sup> for about 50 yards, crossed the street from east to west, and hid in a concrete alcove of a big building.

7. Friends saw me sitting and came to render first aid – betadine, a gauze pad, and light wrap. I could not continue working after this (even though I was on assignment for a large European news agency) because I was hobbled and in too much pain. Another friend drove me to my car, about six blocks away, and I drove home to try to tend to my injury.

8. The following is a true and correct copy of a photograph that I took at 1:30 a.m. today, June 22, showing a deep anterior abrasion, medial extension of the abrasion, and significant circumferential swelling:



9. During the night, I and my family attended to my injury, including topical cleaning, topical antibiotics, gauze pads, and light wrap. I was in significant pain all night and I still am in significant pain. I have been soaking my leg in hot water throughout the day.

10. The following is a true and correct copy of a photograph that I took of my leg at approximately 10:50 a.m. this morning, the morning after the injury:



11. Despite my desire to continue reporting on and photographing the protests, I do not think that I can work today and probably will not be able to work tomorrow due to this injury and the pain that I am in. I am also fearful of being injured even more severely by the ever-escalating behavior of the federal agents.

I declare under penalty of perjury under the laws of United States of America that the foregoing is true and correct.

Dated: July 22, 2020

DocuSigned by:  
  
3025C40803784B6...

---

John Rudoff